

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FREDDIE L. WALKER, SR.,

§

Plaintiff,

§

Civil Action No. 1:11-CV-521

v.

§

WEBCO INDUSTRIES, INC. *et al,*

§

Defendants.

§

**ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE**

Plaintiff Freddie L. Walker, Sr. filed this case *pro se* against Defendants Webco Industries, Inc., alleging several causes of action primarily based on the termination of employment with Webco. The case was referred to United States Magistrate Judge Keith Giblin for determination of non-dispositive pretrial matters pursuant to 28 U.S.C. § 636.

Judge Giblin entered a Report and Recommendation on April 29, 2013, recommending that the court strike Plaintiff's Second Amended Complaint, but not his sur-reply brief, and grant Defendants' motion to dismiss. Doc. # 33. Plaintiff has filed objections. Doc. # 37.

Pursuant to Federal Rule of Civil Procedure 72 and 28 U.S.C. § 636(b), the court has conducted a *de novo* review of the magistrate judge's report and recommendation, Plaintiff's objections, and the record as a whole, and concludes that Plaintiff's objections are without merit. Plaintiff's objections are little more than a collection of quotations from the magistrate judge's opinion, interspersed with irrelevant case law citations. He makes the same arguments previously considered and rejected by the magistrate judge, and fails to address the points raised in the report

and recommendation. Nowhere in his lengthy objections does Plaintiff point to facts that would establish a viable cause of action.

IT IS THEREFORE ORDERED that Plaintiff Freddie L. Walker, Sr.'s objections [Doc. # 37] are OVERRULED. The magistrate judge's Report and Recommendation [Doc. # 33] is ADOPTED.

IT IS FURTHER ORDERED that Defendants Webco Industries, Inc. *et al*'s Motion to Strike [Doc. # 31] is GRANTED to the extent that it seeks to strike Plaintiff's January 16, 2013 More Definite Statement [Doc. # 29], and DENIED to the extent it seeks to strike Plaintiff's January 16, 2013 sur-reply brief [Doc. # 30].

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss [Doc. #23] is GRANTED, and Plaintiff's claims are DISMISSED. The Clerk is directed to close this case.

So **ORDERED** and **SIGNED** this 4 day of **June, 2013**.



Ron Clark
Ron Clark, United States District Judge